

## **Chapter 11.44**

### **PENALTIES, PARTIES AND PROCEDURE ON ARREST**

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##### **11.44.010 Violation—Penalties.**

A. For purposes of this title and to the extent applicable, violations of the following statutes or their successors, which have been adopted by reference pursuant to section 11.04.090, shall be infractions: *Utah Code Ann.* § 41-6-46 (Speed regulations – Safe and appropriate speeds at certain locations – Prima facie speed limits – Emergency power of the governor); § 41-6-55 (Overtaking and passing vehicles proceeding in same direction); § 41-6-56 (Passing upon right – When permissible); § 41-6-57 (Limitation on passing – Prohibitions); § 41-6-59 (Signs and markings on roadway – No passing zones – Exceptions); § 41-6-62 (Following another vehicle – Safe distance – Caravan or motorcade – Exception for funeral procession); § 41-6-66 (Turning – Manner – Traffic-control devices); § 41-6-67 (Turning around – Where prohibited – Visibility); § 41-6-69 (Turning or changing lanes – Safety – Signals – Stopping or sudden decrease in speed – Signal flashing – Where prohibited); § 41-6-72 (Right-of-way between vehicles – unregulated intersection); § 41-6-72.10 (Right-of-way – Stop or yield signals – Yield

– Collisions at intersections or junctions of roadways – Evidence); § 41-6-73 (Vehicle turning left – Yield right-of-way); § 41-6-75.5 (Merging lanes – Yielding); § 41-6-79 (Pedestrians yielding right-of-way – Limits on pedestrians) § 41-6-85 (Carrying more persons than design permits – Exception); § 41-6-86 (Persons on bicycles, mopeds, skates and sleds not to attach to moving vehicles – Exception); § 41-6-87 (Operation of bicycle or moped on and use of roadway – Duties, prohibitions); § 41-6-87.3 (Bicycles and human powered vehicle or device to yield right-of-way to pedestrians on sidewalks, paths, or trails – Uses prohibited – Negligent collision prohibited – Rights and duties same as pedestrians); § 41-6-87.4 (Bicycles – Parking on sidewalk, roadway – Prohibitions); § 41-6-87.5 (Bicycles and mopeds – Turns – Designated lanes); § 41-6-87.9 (Bicycle racing – When approved – Prohibitions – Exceptions – Authorized exemptions from traffic laws); § 41-6-88 (Bicycles and mopeds – Carrying bundle – One hand on handlebars); § 41-6-89 (Bicycle – Prohibited equipment – Brakes required); § 41-6-90 (Bicycles – Lamps and reflective material required); § 41-6-93 (Driving on tracks); § 41-6-94 (Driving through safety zone); § 41-6-101 (Stopping or parking on roadway outside business or residential district); § 41-6-103 (Standing or parking vehicles – Restrictions and exceptions); § 41-6-104 (Stopping or parking upon roadways – Angle parking – Traffic-control devices prohibiting or restricting); § 41-6-105 (Motor vehicle left unattended – Requirements); § 41-6-106 (Backing – When permissible); § 41-6-106.10 (Sidewalk – Driving prohibited – Exception); § 41-6-107.2 (Motorcycles, motor-driven cycles, or all-terrain type I vehicles – Operation on public highways); § 41-6-107.4 (Motorcycle or motor-drive cycle – Attaching to another vehicle prohibited); § 41-6-107.6 (Motorcycle or motor-driven cycle – Footrests for passenger – Height of handlebars limited); §

41-6-108 (Prohibition as to passenger riding on improper portion of motor vehicle – Exceptions); § 41-6-108.10 (Vehicle door – Prohibited opening); § 41-6-109 (Obstruction to driver's view or driving mechanism); § 41-6-109.5 (Occupancy of a trailer or semitrailer while being moved on highway prohibited); § 41-6-109.10 (Entering intersection, crosswalk or railroad grade – Sufficient space required); § 41-6-112 (Following or parking near fire apparatus prohibited); §§ 41-6-117 through 41-6-175.5 (Equipment), excluding §§ 41-6-168, 41-6-172, and 41-6-173; § 41-8-1 (Operation of vehicle by persons under 16 prohibited – Exceptions for off-highway vehicles and off-highway implements of husbandry); § 41-22-3 (Registration of vehicles – Application – Issuance of stickers and card – Proof of property tax payment – Records); § 41-22-10.6 (Requiring compliance with traffic laws); § 41-22-10.7 (Vehicle equipment requirements); § 41-22-12.5 (Restrictions on use of privately-owned lands without permission – Unlawful for person to tamper with signs or fencing on privately-owned land); and § 41-22-13 (Prohibited uses).

#### **11.44.020 Parties guilty of criminal offense.**

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared in this chapter to be unlawful, whether individually or in connection with one or more other person or as a principal, agent or accessory, shall be guilty of the offense; and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this title is likewise guilty of such offense. Every person who knowingly and willfully gives false information concerning the identity of anyone who has committed any act to an officer of the police department investigating such act, known by the officer to have been committed and believed by the

officer to have been unlawful shall be guilty of a misdemeanor.

#### **11.44.030 Appearance upon arrest for misdemeanor—Setting bond.**

Whenever any person is arrested for any violation of this title punishable as a misdemeanor, the arrested person, for the purpose of setting bond, shall in the following cases, be taken without unnecessary delay before a magistrate in the county or city in which the offense charged is alleged to have been committed and who has jurisdiction of such offense and who is nearest or most accessible with reference to the place where the arrest was made in any of the following cases:

A. When a person arrested demands an immediate appearance before a magistrate;

B. When a person is arrested on the charge of driving while intoxicated as prescribed in chapter 11.28;

C. When a person is arrested on the charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property; or

D. In any other event when the person arrested refuses to give his written promise to appear in court as hereinafter provided, or when in the discretion of the arresting officer, a written promise to appear is insufficient.

#### **11.44.040 Notice to appear.**

Upon any violation of this title, whenever a person is not immediately taken before a magistrate as provided in section 11.44.030, the officer shall prepare a written notice to appear in court which shall be prepared and delivered in accordance with the provisions of *Utah Code Ann.* §§ 77-7-18, 77-7-20 and 77-7-21.

**11.44.045 Notice to appear in court—  
Contents—Promise to comply—  
Signing—Release from  
custody—Official misconduct.**

Section 41-6-167 of Chapter 6 of the Utah Motor Vehicle Act (*Utah Code Ann.* § 41-1a-101, *et seq.*) and its successors is hereby adopted and incorporated by this reference as a city ordinance.

**11.44.050 Violation of promise to appear as  
misdemeanor—Appearance by  
counsel.**

A. Any person willfully violating his promise to appear in court, given as provided in this title, is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally cited.

B. A written promise to appear may be complied with by an appearance by counsel.